

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
TM5243, ER 01-02-003, Van de Vegte Major Subdivision

December 31, 2008

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion: The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

The project will obtain its water supply from the Fallbrook Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers: Even though wetlands and/or wetland buffer areas have been identified on the project, the project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe: The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes:

The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats: Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site as determined on a site visit conducted by Valerie Walsh on November 27,

2007. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites: The property has been surveyed by a County of San Diego certified archaeologist/historian, Sue Wade of Heritage Resources on June 17, 2001 and it has been determined that the property does not contain any archaeological or historical sites.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES
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NO
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NOT APPLICABLE
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Discussion:

The project Storm Water Management Plan received August 19, 2008 was reviewed for this project and appears to be complete and in compliance with the WPO

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES
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NO
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NOT APPLICABLE
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Discussion:

Even though the proposal could generate potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following noise mitigation measures are proposed to reduce the noise impacts to applicable limits: A noise easement on Lots 5, 6 and 7 and noise walls on Lots 5 and 7.

Staff has reviewed the noise report prepared by Eilar Associates received on January 18, 2002 and TM5243 preliminary grading plans received on August 31, 2006. The project consists of a 9 lot subdivision, with 8 lots proposed for residential use and 1 lot proposed for open space. The noise study received on January 18, 2002 has been previously approved. This current noise study has incorporated the best available future traffic counts at that time. Future 2020 traffic on Fallbrook Road is anticipated to be as high as 4,000 ADT. The noise report recommends a 2 foot high noise mitigation barrier on Lot 5. A noise protection easement will be required for Lots 5, 6, and 7. The remaining lots do not fall within the 60 dBA CNEL contour line.

The noise study has been re-evaluated on January 2, 2008, incorporating future 2030 traffic counts for Fallbrook Road. Sandag website projects Fallbrook Road to have 8,000 ADT, which is double the traffic with respect to the previous noise review. Noise impacts with the incorporation of current available traffic counts (2030) will result in

additional mitigation measures to the previously approved noise report. The new mitigation requirements will consist of a 3 foot high noise barrier on Lot 5 (1 foot increase from previous noise analysis) and the introduction of a 2 foot high noise barrier on Lot 7. Noise barriers may consist of an earthen berm when the required height is 3 feet or less. A noise protection easement will be required for Lots 5, 6 and 7. Due to the readily available future 2030 traffic data, the 60 dBA CNEL contour will move further from the originally anticipated contour location. Although the doubling in future traffic has resulted in additional noise mitigation, Lots 1, 2, 3, 4 and 8 will continue to be well distanced from the new 60 dBA CNEL contour line. The future Fallbrook Road extension is listed within the CIP and noise mitigation measures will be implemented by the applicant. The project will be conditioned to have a noise protection easement dedication to Lots 5, 6 and 7. The noise study along with the additional noise assessment by County Staff, Emmet Aquino has determined that the proposed project is mitigable and with the incorporation of a noise protection easement will comply with the County of San Diego General Plan Noise Element, 4b.